

Joseph M. Coleman (State Bar No. 04566100)  
John J. Kane (State Bar No. 24066794)  
Vienna Flores (State Bar No. 24091225)  
**KANE RUSSELL COLEMAN LOGAN PC**  
3700 Thanksgiving Tower  
1601 Elm Street  
Dallas, Texas 75201  
Telephone - (214) 777-4200  
Telecopier - (214) 777-4299  
Email: [jcoleman@krcl.com](mailto:jcoleman@krcl.com)  
Email: [jkane@krcl.com](mailto:jkane@krcl.com)

**COUNSEL TO THE OFFICIAL  
COMMITTEE OF UNSECURED CREDITORS**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**IN RE:**

**VALUEPART, INCORPORATED**  
  
**DEBTOR.**

§  
§  
§  
§  
§  
§

**Case No.: 16-34169-HDH-11  
Chapter 11**

**MOTION TO COMPEL PAYMENT OF PROFESSIONAL FEES**

Now comes Kane Russell Coleman Logan PC ("KRCL"), counsel to the Official Committee of Unsecured Creditors, on behalf of itself and Lain, Faulkner & Co., P.C. ("Lain Faulkner"), and files this *Motion to Compel Payment of Professional Fees* (the "Motion"), and in support thereof respectfully state as follows:

**I.  
JURISDICTION & VENUE**

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper under 28 U.S.C. §1408 and 1409. This is a core proceeding under 28 U.S.C. § 157(b)(2).

## II. BACKGROUND

### A. THE APPROVED FEES

2. On November 30, 2017, KRCL filed its *Third Interim and Final Fee Application of Kane Russell Coleman Logan PC, Counsel to the Official Committee of Unsecured Creditors, Seeking Payment for Services Performed and Costs Incurred from June 1, 2017 through October 31, 2017* and for all other periods throughout the bankruptcy case (the "KRCL Final Fee App") [Docket No. 794].

3. On that same day, KRCL filed on Lain Faulkner's behalf, the *Third and Final Fee Application of Lain, Faulkner & Co., P.C., Financial Advisor to the Official Committee of Unsecured Creditors, Seeking Payment for Services Performed and Costs Incurred from June 1, 2017 Through October 16, 2017* and during all other periods throughout the bankruptcy case (the "LFC Final Fee App") [Docket No. 795].

4. On January 9, 2018, the Court entered orders approving, on a final basis, all fees and expenses requested in the KRCL Final Fee App and the LFC Final Fee App (the "Final Orders") [Docket Nos. 807 and 808, respectively].

5. The Final Order applicable to KRCL states, "the Debtor is authorized to ***and shall remit payment to KRCL***, on a final basis, within 14 days of the entry of this Order the sum of \$190,365.64, consisting of all of KRCL's approved but unpaid fees and expenses...."

6. Likewise, the Final Order applicable to Lain Faulkner states, "the debtor is authorized to ***and shall remit payment to LFC***, on a final basis, within 14 days of the entry of this Order, the sum of \$62,503.62, consisting of all of LFC's approved but unpaid fees and expenses...."

### B. REFUSAL TO REMIT PAYMENT

7. Despite repeated requests for payment, including not less than four emails, three phone calls, and multiple in-person requests to Debtor's counsel, the Debtor refuses to issue payment mandated by the Final Orders. On February 6, 2018, KRCL provided Debtor's counsel

with a draft of this Motion and an additional request for payment. KRCL did not receive a response. As a result, KRCL and Lain Faulkner are left with no choice but to seek Court intervention to cause the Debtor to satisfy its obligations.

**III.**  
**RELIEF REQUESTED AND BASIS THEREFOR**

8. KRCL, on behalf of itself and Lain Faulkner, hereby requests that this Court enter and order compelling the Debtor to comply with the payment obligations provided in the Final Orders. As provided in the Final Orders, the Debtor had 14 days from the entry of the Final Orders to remit payment to KRCL and Lain Faulkner. The Final Orders were entered January 9, 2018. KRCL notified Debtor's counsel of the Court's entry of those orders on January 10, 2018. The Debtor failed to remit payment by January 23, 2018. Despite repeated demands, the Debtor continues to refuse to immediately remit payments due under the Final Orders. Accordingly, KRCL requests that the Court compel immediate payment of all fees due under the Final Orders.

**IV.**  
**CONCLUSION**

**WHEREFORE**, KRCL respectfully requests entry of an Order in the form attached as **Exhibit "A."** KRCL further requests the Court grant KRCL \$2,500 in additional fees, paid by the Debtor, if Debtor fails to remit payment in accordance with the terms of the Court's order on this Motion. KRCL further requests such other and further relief as the Court deems just.

Dated: February 9, 2018.

Respectfully submitted,

**KANE RUSSELL COLEMAN LOGAN PC**

By: /s/John J. Kane  
Joseph M. Coleman  
State Bar No. 0456610  
John J. Kane  
State Bar No. 24066794  
3700 Thanksgiving Tower  
1601 Elm Street  
Dallas, Texas 75201  
Telephone - (214) 777-4200  
Telecopier - (214) 777-4299  
Email: [jcoleman@krcl.com](mailto:jcoleman@krcl.com); [jkane@krcl.com](mailto:jkane@krcl.com);

**COUNSEL TO THE OFFICIAL COMMITTEE  
OF UNSECURED CREDITORS**

**CERTIFICATE OF CONFERENCE**

I hereby certify that on February 5, 2018, I conferred with counsel for the Debtor regarding this Motion to Compel, and again requested immediate payment of all fees due and owing. On February 6, 2018, I provided a draft of this Motion to Debtor's counsel and inquired whether Debtor's counsel would oppose an expedited hearing on this matter. Debtor's counsel did not respond. Accordingly, I believe the filing of this Motion remains necessary.

By: /s/John J. Kane  
John J. Kane

**CERTIFICATE OF SERVICE**

This is to certify that service of the foregoing document was effected through Electronic Notice for Registered Participants and, unless an alternative means of service is set forth below, has been sent to all other parties in interest and creditors shown on the attached Official Service List by e-mail (if an e-mail is indicated), or otherwise by United States Mail, first class postage prepaid, on the 9th day of February, 2018.

/s/John J. Kane  
John J. Kane